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OFFICE OF PETITIONS

In re Application of
Gwo-Ji Horng, et al.
Application No. 10/034,030
Filed: December 19, 2001.
Attorney Docket No. JCLA8482

ON PETITION

This is a decision in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed October 31, 2005.

The petition is GRANTED.

The application was held abandoned for failure to timely respond to the final Office action mailed April 2, 2004. A Notice of Abandonment was mailed on September 30, 2005.

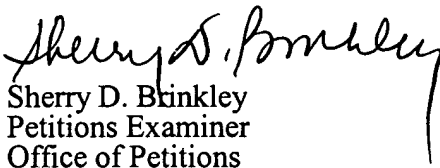
Petitioner asserts that a timely response was submitted in the form of a Request for Continued Examination (RCE), with a proper request for a 3-month petition for extension of time, on October 4, 2004.

A review of the written record confirms that the RCE filed under 37 CFR 1.114 was timely and proper on October 4, 2004, inasmuch as the request for the RCE included authorization to charge the requisite filing and extension fees, as well as instructions to enter the amendment filed on June 28, 2004¹.

In view of the above, the holding of abandonment for failure to timely file a response to the Office action of April 2, 2004 is hereby withdrawn.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

The application file is being referred to Technology Center AU 3729 for further processing of the request for continued examination under 37 CFR 1.114 filed October 4, 2004 and for consideration of the amendment filed June 28, 2004.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ It is noted that, while the amendment filed June 28, 2004 is not present in the file, applicant filed a copy on October 28, 2004. A copy of the amendment was also included with the present petition on October 31, 2005, along with the Auto-Reply Facsimile Transmission evidencing receipt of the amendment in the USPTO on June 28, 2004.